

3-26-91 Minutes

A regular meeting of the Council of the City of Bedford, Virginia, was held in the Council Hall of the Municipal Building at 7:30 p.m., March 26, 1991.

Members present: Mayor G. Michael Shelton; Councilwoman Joanne A. Grahame; Councilman Payton M. Otey; Vice Mayor John M. Owen, III; Councilman Ronnie C. Rice; and Councilman James A. Vest.

Members absent: Councilman Larry D. Brookshier.

Staff present: City Manager Jack A. Gross; City Attorney W. W. Berry, IV; and Clerk of the Council Teresa W. Hatcher.

Mayor Shelton opened the meeting and led all present in saying the Pledge of Allegiance to the Flag.

Mayor Shelton declared that the minutes of a regular Council meeting held on March 12, 1991, were approved as mailed.

The City Manager stated that an opening ceremony for Poplar Park will be held April 28 at 3:00 p.m., with the rain date being June 2 at 3:00 p.m.

Councilman Vest commented on the proposed redistricting of the legislative districts in Virginia. Mayor Shelton is to write a letter expressing Council's concerns regarding the redistricting.

Councilman Rice stated that he attended a meeting of the Bedford Industrial Authority. He stated that the Authority is asking Council to appoint four individuals from the City to serve on a Blue Ribbon Committee whose purpose will be to entice more industries to the Bedford area.

Vice Mayor Owen reported on activities occurring in preparation for "Student Government Day" scheduled in May.

Mayor Shelton reported that the City of Bedford received an award from the Virginia Rural Water Association as the "1991 Water System of the Year".

Mayor Shelton indicated that the State Highway Department's Preallocation Hearing for the upcoming Six Year Plan Development will be held on April 8. The Mayor stated that he would attend and address the hearing on behalf of the City speaking in regard to the necessity of the Highway Department funding the 122 North/South Connector Project.

Mayor Shelton stated that the last item on the agenda, "Executive Session - Evaluation of City Manager and City Attorney, pursuant to Section 2.1-344(a)(1) of the Code of Virginia of 1950, as amended" has been removed, and will be included on the agenda of the next regular meeting.

The Clerk of Council read aloud the following public hearing notice:

PUBLIC HEARING NOTICE

Notice is hereby given of a public hearing to be held by the City Council of the City of

Bedford, Virginia, at 7:30 p.m. on March 26, 1991, at the City Municipal Building Council Hall for the purpose of considering a request for the following:

To consider the conditional use request by Mr. Stephen J. Roger, president of a PRD (Planned Residential Development) known as Emerald Crest, Section 1, Phase 1 as shown on preliminary plat subject to: compliance with the City of Bedford's Land Development Regulations; completion of the proposed amenities before the construction begins on the 37th residential unit, and before approval of any further phase of development.

The application is on file in the Office of Community and Economic Development.

The request is being made by Mr. Stephen J. Roger, developer of Emerald Crest Inc.

Anyone who is in favor of or opposed to the request will have an opportunity to express their view at this hearing.

By the Authority of the Council
of the City of Bedford

Mr. Roger spoke before Council and explained the project.

Mayor Shelton opened the public hearing at 7:50 p.m.

As there were no comments, the Mayor closed the public hearing at 7:51 p.m.

The Consent Agenda consisted of the following item: Appointment of Mrs. Debra W. Parker, 1211 Hampton Ridge, to serve on the Community Corrections Resources Board for a two-year term expiring March 31, 1993.

Councilman Rice moved that the Consent Agenda be adopted. The motion was seconded by Councilwoman Grahame, voted upon and carried.

The City Manager stated that Council has been provided with preliminary plans for the Emerald Crest Subdivision. He stated that the plans have been reviewed by the Planning Commission. The Planning Commission recommends that Council consider the project for approval. Mr. Gross stated that the road which connects the subdivision with Industrial Avenue is included in the plan and will be built entirely at the developer's cost.

On motion by Councilwoman Grahame, seconded by Councilman Rice, voted upon and carried, Council approved the conditional use request for Emerald Crest, Section 1, Phase 1 as shown on preliminary plat dated and received March 1, 1991, subject to: compliance with the City of Bedford's Land Development Regulations; execution of a contractual agreement with the City in a form approved by the City Attorney incorporating the requirements imposed hereby; completion of the proposed amenities before the construction begins on the 37th residential unit, and before approval of any further phase of development.

Ms. Linda Kochendarfer, Executive Director of Bedford Main Street, Inc., gave a report on projects, activities, and progress in the downtown area last year; and gave information regarding upcoming events and projects.

Mrs. Nancy Donahoo, Director of the Bedford Public Library, explained the reasons for the increase in the Library's proposed 1991-92 budget.

City Manager indicated that the City Attorney has prepared an ordinance to exempt from the licensing requirement and from taxation those businesses which meet the special requirements of the Land Development Regulations and which have gross receipts of less than \$4,000 per year. Mr. Gross read from a memorandum prepared by the City Attorney which gave some background information.

Councilwoman Grahame moved that Council waive the reading of the proposed ordinance. The motion was seconded by Councilman Otey, voted upon and carried.

Councilwoman Grahame moved that the ordinance be adopted. The motion was seconded by Councilman Otey. After discussion, the motion was voted upon and carried by the following roll call vote:

Councilwoman Grahame	aye
Councilman Otey	aye
Vice Mayor Owen	aye
Councilman Rice	nay
Councilman Vest	aye
Councilman Brookshier	absent
Mayor Shelton	aye

The ordinance follows as adopted:

AN ORDINANCE TO AMEND AND REENACT THE BUSINESS
AND OCCUPATIONAL LICENSE ORDINANCE SO AS TO
EXEMPT FROM BUSINESS LICENSE REQUIREMENT AND
TAXATION CERTAIN HOME OCCUPATIONS HAVING GROSS RECEIPTS

UNDER \$4,000

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEDFORD VIRGINIA:

Section 1. That the License Tax Ordinance for the City of Bedford, 1981, as heretofore amended and re-enacted by adding the following new section at the end of Article II:

Section 7. Exemption of Certain Home Occupations.

No business and occupational license tax shall be due in respect to any business which is operated under a City of Bedford Zoning Permit for a "Home Occupation," which meets the special requirements of Section 903.01 of the City of Bedford Land Development Regulations, and which has gross receipts of less than \$4,000.00 per year.

Section 2. That this ordinance shall take effect immediately upon passage.

City Manager stated that in conjunction with the amendment to the Business License Ordinance just passed exempting certain home occupations from licensing requirements and taxation, it will be necessary to amend and readopt the City's electric tariff to allow those home occupations to utilize the Residential Electric Service schedules. Schedule R.S. shall apply to residences with home occupations which meet the following requirements:

- a. The home occupation shall be operated by the members of the family residing on the premises and no article or service shall be sold or offered for sale except by members of the immediate family residing on the premises.
- b. The processing, servicing and storage involved in the home occupation shall be totally within the main building and shall not occupy more than 25% of the floor area within said building.
- c. The presence of the home occupation shall not change the outside appearance of the dwelling, nor shall any signs for the home occupation be permitted.
- d. Annual gross receipts from the business from all sources shall not exceed \$4,000.

Councilwoman Grahame moved that Council waive the reading of the proposed resolution. The motion was seconded by Councilman Vest, voted upon and carried.

Councilwoman Grahame moved that the resolution be adopted. The motion was seconded by Councilman Vest, voted upon and carried by the following roll call vote:

Councilman Otey	aye
Vice Mayor Owen	aye
Councilman Rice	nay

Councilman Vest	aye
Councilman Brookshier	absent
Councilwoman Grahame	aye
Mayor Shelton	aye

The resolution follows as adopted:

A RESOLUTION AMENDING AND RE-ADOPTING
THE CITY OF BEDFORD, VIRGINIA, ELECTRIC TARIFF
SO AS TO ALLOW CERTAIN HOME OCCUPATIONS TO UTILIZE
THE RESIDENTIAL ELECTRIC SERVICE SCHEDULES

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BEDFORD, VIRGINIA:

Section 1. That the provision of the City of Bedford, Virginia Electric Tariff adopted in January 1989 dealing with "Domestic Service" is amended to read as follows:

DOMESTIC SERVICE

Individual residences shall be served individually under Schedule RS (Residential Electric Service). The customer may not take service for two or more separate residences through a single point of delivery under Schedule R. S., even if the customer owns all of such residences, except that in the case of an apartment house with a number of individual apartments the apartment owner shall have the choice of providing separate wiring for each apartment so that the City may supply each such apartment separately under Schedule R. S., or of purchasing the entire service through a single meter under the appropriate general service Schedule.

Except in the case of certain home occupations as defined hereinafter, Schedule R. S. shall cease to apply to that portion of a residence which becomes regularly used for business, professional, institutional or any gainful purposes other than agricultural. Under these circumstances, the customer shall have the choice: (a) of separating the wiring so that the

residential portion of the premises is served through a separate meter under Schedule R. S. and the other uses as enumerated above are served through a separate meter or meters under the appropriate general service Schedule, or (b) of taking the entire service under the appropriate general service Schedule. Single phase motors of 10 H. P., or less, may be served under Schedule R. S. Larger motors may be served when the existing service facilities of the City are adequate.

Schedule R. S. shall apply to residences with "Home Occupations which meet the following special requirements:

a. The home occupation shall be operated by the members of the family residing on the premises and no article or service shall be sold or offered for sale except by members of the immediate family residing on the premises.

b. The processing, servicing and storage involved in the home occupation shall be totally within the main building and shall not occupy more than twenty-five percent (25%) of the floor area within said building.

c. The presence of the home occupation shall not change the outside appearance of the dwelling, nor shall any signs for the home occupation be permitted.

d. Annual gross receipts from the business from all sources do not exceed \$4,000.00.

Section 2. The City of Bedford, Virginia Electric Tariff issued January, 1989, with the amendment in the preceding paragraph is re-enacted and adopted, effective April 1, 1991.

Mr. William W. King, Thompson & Litton, Inc., reported to Council regarding the Landfill Closure Plan and the landfill permitting process. Mr. King stated that the Landfill Closure Plan was submitted to the Department of Waste Management on December 21, 1990, in accordance with the regulations. Mr. King explained what the Landfill Closure Plan entails and also reviewed plans for the expansion of the landfill. He estimated that the cost for engineering, closure of old landfill and expansion of new landfill would be approximately \$2,000,000.

Mr. Jim Thompson reviewed interim and permanent financing methods for the process. He suggested that the City consider obtaining the services of a financial advisor for the process. Mr. King stated that another State mandate which is due in July is the development of a Solid Waste Management Plan. Discussion ensued.

The Mayor asked that the Solid Waste Committee be kept informed as work on the Solid Waste Management Plan progresses.

Mr. Robert M. Roberts, of Olver, Inc., gave a report on a Toxicity Reduction Evaluation Program for the Wastewater Treatment Plant. Mr. Roberts described some of what was included in the Toxicity Reduction Evaluation Plan that was submitted to the State Water Control Board in November 1990: a. initiate a quarterly industrial monitoring program within three months of the Board's approval of the plan; b. within six months of that approval, a full industrial waste survey would be done in the City; c. within twelve months of the approval, inspections would be conducted on all large users and industrial users that are currently in the

system. Mr. Roberts stated that biological monitoring would have to be continued during this process in order to try to identify what caused the toxicity.

Discussion ensued.

The City Manager stated that when the City goes to three stages of treatment, it is possible the whole problem will not be there, which is why the City has tried to delay the Toxicity Reduction Evaluation (TRE) program as long as possible to get the new plant in operation and see what happens.

Further discussion ensued.

City Manager Gross stated that Council had received a memorandum concerning the recycling trailer that was purchased through a grant from the Department of Mines, Minerals and Energy to the City of Bedford and Bedford County. The agreement between the City and County provides that either of the jurisdictions may purchase the recycling trailer by paying to the other an amount equal to one-half the depreciated value, not to exceed 25% of the original cost contributed by the selling party. He stated that Bedford County does not wish to purchase the trailer, and the City can use it for curbside recycling and other programs.

Councilman Rice moved that Council appropriate \$3,417.25 from the unappropriated contingency to Account No. 0808108107056044. The motion was seconded by Councilman Vest, voted upon and carried by the following roll call vote:

Vice Mayor Owen	aye
Councilman Rice	aye
Councilman Vest	aye
Councilman Brookshier	absent
Councilwoman Grahame	aye
Councilman Otey	aye
Mayor Shelton	aye

On motion by Councilwoman Grahame, seconded by Councilman Rice, voted upon and carried by a roll call vote, Council adjourned into executive session for consultation with legal counsel and staff regarding State Water Control Board Consent Special Order and annexation petition, pursuant to Section 2.1-344(a)(7) of the Code of Virginia of 1950, as amended:

Councilman Rice	aye
Councilman Vest	aye
Councilman Brookshier	absent
Councilwoman Grahame	aye
Councilman Otey	aye
Vice Mayor Owen	aye

Mayor Shelton

aye

Council adjourned into executive session at 9:42 p.m. after a five minute recess. Non-council members attending were: City Manager Gross, City Attorney Berry, and Clerk of the Council Hatcher.

Council reconvened into open session at 10:48 p.m.

The Clerk of Council read aloud the following resolution:

BE IT RESOLVED that the Council of the City of Bedford hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Council.

Councilwoman Grahame moved that the resolution be approved as read. The motion was seconded by Councilman Otey, voted upon and carried by the following roll call vote:

Councilman Vest aye

Councilman Brookshier absent

Councilwoman Grahame aye

Councilman Otey aye

Vice Mayor Owen aye

Councilman Rice aye

Mayor Shelton aye

Mayor Shelton adjourned the meeting at 10:49 p.m.

